REMARKS

This is intended as a full and complete response to the Final Office Action dated March 11, 2005, having a shortened statutory period for response set to expire on June 11, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-23 are pending in the application. Claims 1-23 remain pending following entry of this response. Claims 1, 12, and 18 have been amended.

Claim Rejections - 35 USC § 103

Claims 1, 2, 5-13, 16-18, 20, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Helgeson et. al* (hereinafter "*Helgeson*") (U.S. 6,643,652) in view of *Bodamer et. al* (hereinafter "*Bodamer*") (U.S. 6,236,997). Applicants traverse this rejection.

Regarding claims 1, 12 and 18, the Examiner maintains a rejection first made in a prior office action. Specifically the Examiner asserts that *Bodamer* teaches "generating a recommendation based on a code portion" in the following material:

> the appropriate module 210 generating the request performs a substitution to converts [sic] the SQL statement from select * from allusers@FDS to SELECT join(A, B)@FDS, which is then passed to the FDS database. The above information indicates that the system restructures the selected SQL Statement by converting existing SQL Statement to a new SQL statement ([*Bodamer*] col. 17 lines 45-55).

Final Office Action, p. 2.

Respectfully, Applicants submit that this portion of *Bodamer* teaches substituting one query for another, not a technique for recommending or suggesting an optimization to a query, based on the structure of source code that relies on the query. For example, in describing the "module 210," referred to above, *Bodamer* provides:

> Each of these modules 210 in the heterogeneous services module 311 is configured to map a particular database operation to a target foreign process based upon the operation specified in the client statement and based upon metadata definitions metadata for the heterogeneous services stored within a data dictionary 220, described below.

Bodamer, 7:9-14. By describing a mapping from a "particular database operation" to a

Page 7

357721_1

"foreign process" *Bodamer* teaches a technique where one query may be executed on a variety of underlying database systems. Nothing in above material, however, discloses recommending or suggesting a query optimization. Rather, *Bodamer* discloses substituting a query written for the structure of a first database (e.g., SELECT * FROM allusers@FDS) with an equivalent query for the structure of a second database (e.g., SELECT join (A,B)@FDS). The substitution itself is provided by a "heterogeneous services module." Accordingly, *Bodamer* discloses modifying an SQL statement as they are needed to run on different databases, (i.e., the syntax of an SQL statement is modified for Oracle versus DB2 versus SQL server), and does not disclose making a recommendation based on how the source code portion interacts with a given SQL statement.

Although Applicants believe that this distinction was inherent in claims 1, 12 and 18, as written, these claims have been amended to clarify that the recommendation suggests an optimization for the SQL Statement.

Furthermore, *Hegelson* fails to disclose "receiving a code portion" and "attempting to retrieve a corresponding SQL statement that corresponds with the code portion." The Examiner asserts that *Hegelson* discloses these limitations by teaching: "upon receiving a request to create an in-memory representation of an object through the restore() method, the BDK retrieves the SQL selection statement for that class object ([Hegelson] col. 24 lines 45-50.)" *Final Office Action,* p.3. The material cited from *Hegelson,* however, is directed to the processing of a "business object" during application runtime. That is, the material describes the action of the restore() method during the execution of an application program.

Specifically, *Hegelson* provides that the restore() method "retrieves the selection statement for that class object that is desired to be restored, executes the statement, and fills in an instance specific hash table of attribute-value pairs with the values so retrieved." *Hegelson,* 24:60-64. Ultimately, the restore() method is used to create persistence for a business object (i.e., an instance of the business object may retain specific data values over multiple connection sessions). Nowhere in this material, however, does *Hegelson* disclose receiving a source code portion. Rather, the material

Page 8

357721_1

describes the function of a method call (restore()) when that function is invoked. Furthermore, because no source portion is received (or analyzed to make a recommendation) *Hegelson* does not disclose attempting to retrieve a corresponding SQL statement that corresponds with the source code portion.

Although Applicants believe that this distinction was inherent in claims 1, 12, and 18, as written, these claims have been amended to clarify that the soured code portion includes a source code statement that references a result of a database query.

For all of the foregoing reasons, Applicants submit that claims 1, 12, and 18, and their respective dependent claims, are patentable over *Hegelson*, in view of *Bodamer*. Withdrawal of the rejection is, therefore, respectfully requested.

Claims 3, 4, 14, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Helgeson et al* in view of *Bodamer* and further in view of *Brown et al.* (hereinafter "*Brown*") (US 2003/0093408).

Regarding these claims, Applicants submit, for the reasons give above, that *Bodamer* fails to disclose providing a recommendation based on a code portion for restructuring a corresponding SQL statement, wherein the recommendation suggests an optimization for the SQL statement, relative to the source code statement. And further submit, for the reasons give above, that *Hegelson* fails to disclose receiving a code portion.

Claims 3, 4, 14, 15 and 19 depend from one of claims 1, 12, or 18. Applicants submit, therefore, that the rejection of claims 3, 4, 14, 15 and 19 is obviated without the need for further remarks. Accordingly, Applicants submit that claims 3, 4, 14, 15, and 19 are patentable over *Hegelson*, in view of *Bodamer* and in further view of *Brown*, and respectfully request that the Examiner withdraw this rejection.

357721_1

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

Randol W. Read
Registration No. 43,876
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

357721_1